

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Sterling Mortensen** Examiner: **Chad Zhong**
Serial No.: **09/941,467** Group Art Unit: **2152**
Filed: **August 29, 2001** Docket No.: **10004428-1**
Title: **DOCUMENT DISTRIBUTION TO MOBILE COMPUTING DEVICE**

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DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Declaration is submitted to establish prior invention of the subject matter of the present patent application. The person making this Declaration is the inventor, Sterling Mortensen.

Accompanying this Declaration are Exhibits A through D to establish conception of the subject matter of the present patent application prior to the filing date of July 2, 2001 of U.S. Patent Application Pub. No. 2002/0035697 coupled with due diligence from prior to the filing date to the filing date of the present patent application (i.e., constructive reduction to practice).

Exhibit A (3 pages) includes an HP Invention Disclosure submitted by the inventor Sterling Mortensen and received by the HP Legal Department on June 8, 2000. In addition, this invention disclosure was witnessed on May 22, 2000. This invention disclosure was assigned HP Patent Disclosure No. 10004428 and describes subject matter of the present patent application.

Exhibit B (2 pages) includes an invoice dated July 1, 2001 from Dicke, Billig & Czaja to Hewlett-Packard Company for the preparation of the patent application based on HP Patent Disclosure No. 10004428. From this invoice, it can be seen that preparation of the application occurred at least between May 15, 2001 and June 26, 2001 (i.e., prior to the filing date of U.S. Patent Application Pub. No. 2002/0035697). This application was one of a number of unrelated cases which patent attorneys of Dicke, Billig & Czaja worked reasonably hard on during this period and carried out expeditiously.

Exhibit C (2 pages) includes an initial email of July 13, 2001 from patent attorney Steve Dicke of Dicke, Billig & Czaja to HP Managing Attorney Steven R. Orniston forwarding a draft of the patent application prepared for HP Patent Disclosure No. 10004428

Declaration under 37 C.F.R. § 1.131

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(DBC H302.152.101) as reviewed and approved for filing by the inventor, and a reply email of July 23, 2001 from HP Managing Attorney Steven R. Ormiston to patent attorney Steve Dicke with comments on the patent application prepared for HP Patent Disclosure No. 10004428.

Exhibit D (1 page) includes a letter dated July 25, 2001 from patent attorney Scott Lund of Dicke, Billig & Czaja to HP Managing Attorney Steven R. Ormiston. This letter was accompanied by a final draft of the patent application based on HP Patent Disclosure No. 10004428 suitable for filing with the USPTO. This patent application was subsequently filed on August 29, 2001.

From these exhibits, it can be seen that the subject matter of the present patent application was conceived prior to the filing date of July 2, 2001 of U.S. Patent Application Pub. No. 2002/0035697 coupled with due diligence from prior to the filing date to the filing date of the present patent application (i.e., constructive reduction to practice).

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name:  Sterling Mortensen

Date: 14 Feb 2005